



DIPLOMACY TRAINING PROGRAM

AFFILIATED WITH THE FACULTY OF LAW AT THE UNIVERSITY OF NEW SOUTH WALES

A training program for peoples of the Asia-Pacific region

Migrant Workers and the UN Convention on Migrant Workers' Rights in the Asia-Pacific Region

A Training Program for Advocates – Petaling Jaya, Malaysia, April 7 – 11, 2006

Organised by the Diplomacy Training Program (DTP) in collaboration with Migrant Forum Asia (MFA); Pusat KOMAS; the Malaysian Trade Unions Congress (MTUC); Aliran; and Messrs. Charles Hector.

Final Project Report

Before I was really hopeless, but now I have gained courage to continue my work.
Participant Evaluation

1. Executive Summary

This project was designed to fill a significant gap in knowledge and understanding of the UN Convention on Migrant Workers (CMW), which came into force in July 2003. The objective was to develop the capacity of civil society advocates to integrate international standards into effective advocacy on the rights of migrant workers in the region.

The project facilitated collaboration and exchange between a wide range of NGOs, unions and national human rights institutions across the Asia-Pacific region directly concerned with the welfare and treatment of migrant workers, as well as academics and international organizations. The course was developed in collaboration with NGO partners in the Asia-Pacific and Malaysia.

The program was held in Petaling Jaya, Malaysia, from 7th-11th April, 2006. It brought together over 30 individuals (from 13 countries in the region) for a consultation and training workshop. The participants came from Bangladesh, Burma, Cambodia, Hong Kong, Indonesia, Malaysia, Mongolia, Nepal, the Philippines, Singapore, South Korea, Sri Lanka and Thailand. The participants ranged in experience from a former Ambassador to a domestic worker – and came from government, trade unions, NGOs and National Human Rights Institutions.

The program was conducted in English and facilitated by Laurie Berg¹ and Patrick Earle for the Diplomacy Training Program, William Gois of Migrant Forum Asia, Jerald Joseph of Pusat KOMAS and Charles Hector, a human rights lawyer.

The Diplomacy Training Program would like to acknowledge the contribution of the expert resource people who generously contributed their expertise to the course. In particular, the Diplomacy Training Program would like to thank its Advisory Council Member, Clarence Dias, and Shanthi Dairiam of the UN Committee on the Elimination of Discrimination Against Women, Samuel Temesgen of the ILO, and Nisha Varia, Researcher for Human Rights Watch.

¹ Laurie Berg has a long background in human rights advocacy in Australia and internationally and is currently undertaking her PhD at UNSW on issues affecting undocumented migrant workers in Australia.

This was the first time that a DTP program has been held in Malaysia, but over the years a number of Malaysian human rights advocates have participated in DTP programs and the organisation received a warm welcome in the country.

The project successfully achieved its objectives, was very positively evaluated by participants and strengthened the basis for further collaboration between DTP and regional NGOs on the rights of the region's growing numbers of migrant workers.

The program was made possible through grants and support from the Myer Foundation and the support of Oxfam Australia, Caritas Australia and Friends of the Diplomacy Training Program. DTP would like to record its gratitude and appreciation for this support. DTP's regional partner Migrant Forum Asia also contributed to the costs of the program. Charles Hector, Gerald Joseph and colleagues at Pusat KOMAS were generous in donating their time to ensuring the success of the course.

This report draws from the participant evaluations of the program. The evaluations are made through questionnaires filled in anonymously at the conclusion of the program.

2. Summary and General Evaluation of the Project

Malaysia was chosen as the location of the program on the advice of DTP's regional partner because of the perceived value in holding this thematic program in a country that is a major destination for migrant workers. One benefit of the course location was that it allowed for participants in the program to make and strengthen valuable connections with their own migrant worker communities in Malaysia.

Because of its relative prosperity in recent years, Malaysia has attracted growing numbers of migrant workers from across the Asia-Pacific region. Official estimates are that there are over 1.7 million documented/official migrant workers in Malaysia. Many more migrant workers are in Malaysia unofficially with no legal status. Most migrant workers travel from Indonesia – but Bangladesh, Nepal, the Philippines and Burma are also source countries of migrant workers in Malaysia. They work in factories, on plantations and construction sites, and increasingly in homes as domestic workers.

The situation of migrant workers in Malaysia has been the focus of reports by Human Rights Watch and Amnesty International. These reports document concerns relating to non-payment of wages, “debt bondage”, detention, ill-treatment, forced expulsions, rape and killings of migrant workers.

In the early sessions of the program, participants were asked to identify the challenges they faced in advocating for the rights of migrant workers. Participants then explored together the areas in which they felt they lack knowledge or skills. At the end of the program participants reviewed their expectations and indicated that most had been met or exceeded.

The program exceeded DTP's expectations, and this was largely attributable to the contribution of regional and local partners, and the generosity of the participants and trainers. There was a great range of skills and experiences on hand and these were shared in a way that helped to motivate and inspire all involved.

2.1 The need for a deeper understanding of international human rights standards relevant to migrant workers

There has been significant lobbying and advocacy at the global level to develop a human rights based approach to migration issues, drawing on the range of already agreed standards². To date, however, migration policy and practice in the Asia-Pacific region is characterised by a lack of reference to the human rights of migrants and their families.

It was clear that even among those advocates that work daily on issues affecting migrant workers, many have limited knowledge and understanding of relevant international standards, and of the Convention on Migrant Workers in particular. The lack of understanding of the substantive content of the Convention, and of the monitoring and accountability processes available under other treaties and UN mechanisms, is a significant impediment to more effective NGO advocacy on these issues in the region.

My colleagues and I knew about the existence of human rights Conventions, but I now understand the contents of human rights treaties in detail. I'm also from a political party in Malaysia, and the legal human rights instruments are especially important when MPs lobby certain Ministers.

Participant Evaluation

Participant evaluations of the program highlighted the usefulness of addressing complementary international regimes which set out rights protecting migrant workers. The involvement of professionals from the ILO and a UN treaty monitoring body as trainers highlighted the broad range of standards which pertain to migrant workers as workers, as women and as migrants. These trainers also shared their perspectives as UN officials and their experiences of working with civil society organisations and networks.

Such qualified professionals knew the nuances and efficacy of the instruments and institutional frameworks.

Participant Evaluation

This training gave me a more sophisticated understanding of the human rights held by migrant workers. We tend to marginalise ILO standards, treating them as labour protections rather than human rights. Now I will make a conscious effort to include the ILO in our monitoring activities.

Participant Evaluation

One of the participants from Indonesia was able to highlight the value of using international standards and mechanisms by recounting her experience in lodging a complaint against the Indonesian government for violation of ILO Convention 29 (Prohibiting Forced Labour). Supported by both the Hong Kong trade union delegation and the ICFTU, this complaint argued that the exorbitant agency fees faced by Indonesians in order to secure employment overseas created a situation of 'debt bondage' for Indonesian migrant workers abroad, which was tantamount to forced labour. Facing international condemnation, the Indonesian government subsequently introduced legislation to redress this hardship.

2.2 The need to develop advocacy skills

The program devoted time to developing participants' advocacy skills, covering analysis of campaign strategies, practice at public speaking, lobbying skills and methods of attracting the attention of mainstream and alternative media to advocates' work.

The practical skills component, such as media skills, was excellent and really brought the training alive.

² In the week prior to the training, the ILO 's Governing Body adopted the ILO Multilateral Framework on Labour Migration, proposing a rights-based approach to the protection of migrant workers.

Participant Evaluation

The program also provided time for participants to share their experiences with each other and to draw lessons from this, as well as to practice lobbying and advocacy skills in role playing situations.

I met so many new people at this training. Thank you to my co-participants for sharing your experiences. As a result of the example you have set, I now understand different strategies. I will now be able to strengthen my lobbying work and will be much more confident speaking in front of people.

Participant Evaluation

Migrant worker NGOs face the challenge of having to advocate at a number of different levels – from challenging employers, to developing alliances, to engaging national government and UN mechanisms. At the national, bilateral and regional level, arrangements to manage migration are being continually developed and adopted. Advocates require the knowledge and skills to be able to influence these arrangements and agreements.

This program enhanced my knowledge about the mechanisms which exist at the international level and how we should approach governments to ensure they are involved in those processes.

Participant Evaluation

2.3 The need to strengthen national, regional and international collaboration

One goal of the program was to strengthen collaboration across the region and across different sectoral networks. The involvement of participants from women's, migrant worker and human rights NGOs, trade unions and National Human Rights Institutions allowed for cross-fertilisation of ideas on approaches to advocacy for migrant workers.

The program successfully enabled experienced advocates from Hong Kong, the Philippines and Indonesia to share knowledge and skills with advocates from countries with less developed migrant worker advocacy networks. NGOs in countries which are only recently generating significant numbers of migrant workers, such as Nepal, have not yet developed substantial capacity to address the issues and lack familiarity with the relevant standards.

Participants from Singapore were deliberately selected to participate in the program so that they would have the opportunity to develop links with the existing networks in the region. Advocacy on behalf of the many migrant workers in Singapore is a relatively recent development, and the individuals and organisations involved have been isolated from regional networks up until now. The program succeeded in facilitating these links and plans for follow-up were made by participants.

NGOs in Hong Kong have had remarkable success in organising domestic workers in recent years. In other destination countries such as Singapore and Malaysia the political environment is more restrictive. As an example of this, one of Malaysia's best known advocates, Dr Irene Fernandez, was jailed for her advocacy work for migrants in Malaysia – and is currently only free on bail.

The Malaysian Trade Union Movement in partnership with the International Confederation of Free Trade Unions (ICFTU) is now reaching out to migrant workers and their NGOs. In Malaysia one focus of advocacy work is on the Memorandum of Understanding between the governments of Indonesia and Malaysia. Advocates are trying to ensure that international standards are reflected in this agreement – and that, migrant workers will be entitled to a minimum of one rest day per month.

This program enabled and encouraged further collaboration between the Malaysian Trade Union movement and migrant worker organisations in Malaysia and the region. This is seen as a major positive of the project. A follow-up meeting between migrant worker NGOs and the trade unions in Malaysia was agreed upon at the training.

Another example of building collaboration was the bringing together of participants from National Human Rights Institutions and NGOs from three countries in the region. Collaboration at the national level between institutions and NGOs has great potential to improve the promotion and protection of migrant workers' rights. Most National Human Rights Institutions across the region are only in the earliest stages of taking on the issues of migrant workers – and some are yet to take up the issue at all.

I have developed a very good relationship with the other South Koreans here. Now, the relationship between the South Korean Human Rights Commission and South Korean NGOs will be very strong.

Participant Evaluation

Discussions about possible strategies for further collaboration occurred at both formal and informal levels among participants. The Asia Researcher within the Women's Rights Program at Human Rights Watch (New York), a trainer in our program, discussed preparations for the UN High-Level Dialogue on Migration and Development being held in New York in September 2006. Some participants discussed proposed lobbying efforts of their governments in the lead-up to this process and considered working with Human Rights Watch and Migrant Forum Asia to feed into parallel civil society consultations established by the UN in advance of the governmental meetings.

3. The Participants and Their Work

This training has been empowering for me. It has made me realise that where national policies aren't protecting migrant workers, international standards might have a role to play. This will now be a strength of my advocacy work. I have new friends and a new network that I can contact if I have difficulties or need strength.

Participant Evaluation

Living on the margins, sometimes isolated in hostile and suspicious host communities, migrant workers face particular barriers to upholding their rights. Frequently denied the protection of national labour laws, fearful of police and officials there are fewer avenues to complain of violence and abuse by employers or of non-payment of wages. The participants all face many obstacles in their work for migrant workers – from overcoming ignorance and negative perceptions of migrant workers, through official indifference and hostility, to threats and intimidation.

The project involved developing the capacity and awareness of NGO advocates from thirteen countries across the Asia-Pacific region. The diversity of participants' backgrounds, and experience and the challenges they face, was both a strength of the program and a challenge for organisers and trainers.

Among the participants were advocates who work with Burmese migrant workers in Thailand. Burmese migrant workers in Thailand live with the constant threat of being returned to a country ruled by military dictatorship, and their work is often extremely dangerous. Their vulnerability makes them particularly liable to exploitation by officials and unscrupulous employers. The advocates who work with and for them to improve wages and conditions in factories, pursue complaints and seek justice have had their own lives threatened.

Migrant workers from Indonesia are a major contributor to the Indonesian economy – as well as to the Malaysian economy. The numbers of Indonesian migrant workers swelled after the

Asian economic crash of 1997 – with many forced by unemployment and poverty to search for work in Malaysia and the Middle-East. NGOs have sprung up to meet their needs. They do inspiring work with migrant workers as they prepare to leave and on their return to Indonesia, and in the workers' countries of employment. Some of this is vital service delivery work, but there is an increasing focus on policy and advocacy work – addressing employers, the Indonesian government and the governments of others countries.

One of the participants from Indonesia heads a newly recognised Indonesian migrant workers trade union. Recognition as an official trade union representing migrant workers was a goal of advocacy work. It gives the organisation standing and recognition in ILO processes and under national law in Indonesia. In other cases migrant workers must find sympathetic trade unionists if they want to access ILO complaints mechanisms and the protection of ILO standards.

In Malaysia case work places heavy demands on the small number of organisations that address the many abuses suffered by migrant workers. Negative perceptions of migrant workers in Malaysia, and elsewhere, increases their vulnerability to detention and extortion at the hands of officials and employers. Migrant worker NGOs, human rights organisations and trade unions seek to balance their case work demands with advocacy for more systemic change.

Some of the participants work as and with migrant domestic workers in Hong Kong. Increasing numbers of migrant domestic workers are employed in the relatively rich destinations of Hong Kong, Singapore and Malaysia. For many domestic workers the hours are very long, the conditions often very poor, and there is considerable vulnerability to violence and abuse from employers – including sexual violence.

Across the region women also migrate and are tricked, coerced or trafficked into the sex industry and advocates in the region have noted a strong correlation between the location of casinos and increases in the number of migrant (and frequently trafficked) sex workers. For small under-resourced organisations responding to these growing and shifting demands is a major challenge in itself.

Wherever the participants came from it is clear from their evaluations that they have taken away a greater understanding of both relevant international standards and the challenges facing migrant workers across the region. They have gained motivation and knowledge from each other's work. They have drawn strength from the knowledge that they are not facing these challenges alone and they have developed their networks of support. They are now in a position to integrate this knowledge into their work in their own organisations.

4. Project Objectives

The project set out to achieve the following specific outcomes:

- **Develop NGO advocacy capacity to promote and use international standards relevant to migrant workers.** DTP researched available advocacy and resource materials, and developed a body of reference materials for this training program. In addition to adapting existing materials, the ILO and other participating organisations developed new materials for the program, including power-point presentations that could be used by participants to further disseminate knowledge and increase understanding of the Migrant Workers Convention and other standards. A CD Rom was prepared and distributed consisting of the DTP Human Rights Manual, the materials and presentations prepared by trainers and participants in the Malaysia program.

- **To foster an understanding of international human rights and ILO standards and processes to enable participants to incorporate these into broader strategies of advocating for migrant workers' rights.** Participant evaluations indicate that this outcome was achieved, that their knowledge of human rights and ILO standards, and their advocacy capacity, was enhanced. There was a good balance in the program between knowledge and skills. Most of the participants indicated that they had specific plans to promote awareness of the CMW.
- **To spread awareness of UN Convention on Migrant Workers' Rights among NGOs that are not part of existing migrant worker NGO networks.** The organisers selected participants from outside the migrant worker NGO networks – from trade unions and National Human Rights Institutions in particular. The participants committed to distributing and sharing information with their organisations and networks and integrating awareness of migrant workers' rights and human rights-based approaches into their work. The report of the training will be disseminated and will be available on the DTP Website. DTP is using the knowledge it has gained and the materials it has developed on the CMW in its other training programs.
- **To provide an opportunity for participants to share perspectives and experiences, and to identify challenges to migrant workers rights.** Discussions occurred at both formal and informal levels among participants, comparing notes about campaign strategies and lobbying efforts. Participants analysed the utility of a range of approaches to promote their advocacy goals.
- **To enhance the capacity of NGOs, unions and national human rights institutions to network with each other and collaborate on advocacy strategies geared towards promoting the rights of migrant workers.** Participants developed some clear ideas of how they could coordinate strategies to advocate the use of both international human rights and ILO mechanisms. At the conclusion of the training, participants established an email group to facilitate ongoing networking and support amongst each other. The participant evaluations identified the opportunity to build and strengthen networks as one of the highlights of the program. The participants strongly identified the need for further capacity building on a range of issues relevant to their work, including the right to development and international fair trade campaigns.

Timing, location and events in the region clearly contributed to the success of the program. In September 2004 the Government of Indonesia signed the Convention on Migrant Workers. The possibility of hundreds of thousands of Indonesian migrant workers being expelled from Malaysia focussed attention on the issues surrounding the treatment of these workers. In the week prior to the training, the ILO 's Governing Body adopted the ILO Multilateral Framework on Labour Migration, proposing a rights-based approach to the protection of migrant workers.

5. Project Description

The program was officially opened on 7 April 2006 by Professor Haji Hamdan Adnan, Commissioner at the Malaysian Human Rights Commission. Presentations were made by the Malaysian Trade Unions Congress, Pusat KOMAS (a grassroots NGO committed to empowering local communities through the use of media and technology), Mr. Charles Hector (a human rights lawyer), Migrant Forum Asia and the DTP. A letter of support was read on behalf of Ms. Sharan Burrow, President of the Australian Council of Trade Unions and President of the International Confederation of Free Trade Unions.

There followed sessions on the international human rights framework, specific human rights standards (such as the Convention on the Elimination of Discrimination Against Women), the ILO standards of particular relevance to migrant workers, and the UN Convention on Migrant Workers' Rights. DTP worked with its partners to identify expert trainers to lead individual sessions. Trainers came from academia, NGOs, and the UN system.

The emphasis of the program was on the sharing of experiences amongst participants, and between participants and the trainers. This resulted in a balance of Malaysian and international, and of male and female trainers. The ILO prepared expert input on relevant ILO Conventions and provided advice on how these Conventions could be used alongside the CMW to promote and protect the rights of migrant workers and their families. There was extensive discussion on the relevance of UN standards and how they could be applied in a range of circumstances. This drew on participants' experiences of working in different countries, with different levels of government, and on different human rights issues.

Building on this initial focus of core UN standards and processes, attention was given to a number of recent developments in the UN's approach to labour migration. In 2004, two major academic studies from UNESCO and the Global Commission on Migration highlighted the need to develop NGO awareness and capacity on CMW. The UN General Assembly will devote a high-level dialogue to international migration and development during its sixty-first session in 2006. In the week prior to the training, in March, the ILO 's Governing Body adopted the ILO Multilateral Framework on Labour Migration, proposing a rights-based approach to the protection of migrant workers.

The newness of the Convention on Migrant Workers (CMW), and the low rate of ratifications, means there is little practical experience to draw on in relation to applying the CMW, but it clearly builds on and adds to the existing set of legal standards and can be used by advocates to promote and protect both legal and undocumented or irregular migrants. To support the curriculum DTP developed and disseminated a training manual with new content on the CMW.

A highlight of the program was a field trip to a number of areas around Kuala Lumpur in which migrant worker communities from Burma and Indonesia congregate. The visit was facilitated by local partners and local migrant workers' rights advocates. [See Appendix 1 for the schedule.] The roles of the media and of National Human Rights Institutions in protecting and promoting the rights of migrant workers were also explored.

6. Collaborating and Participating Organisations/ Individuals

The program was organised in collaboration with **Migrant Forum Asia (MFA)**, the **Malaysian Trade Unions Congress (MTUC)**, **Pusat KOMAS**, **Aliran** and **Messrs Charles Hector**. Collaboration with the **International Labor Organisation (ILO)**, the **Asia Pacific Resource Centre for Human Rights Education (ARRC)**, **Human Rights Watch** and **International Women's Rights Action Watch** also occurred during the program. [See Appendix 2 for the list of participants and trainers.]

The program especially benefited from the expertise and extensive experience of MFA in dealing with migrant worker issues in the region, from the expertise and input of the ILO, and from the involvement of Shanthi Dairiam of the UN Committee charged with monitoring the Convention on Discrimination against Women. The hospitality and contributions of the Malaysian partners was greatly appreciated and the program drew great benefit from the Malaysian NGO experiences in advocating for migrant workers.

The partnership arrangements with Migrant Forum Asia will help to ensure that the impact of this project will be felt both by vulnerable migrant workers and the government officials that are obliged to protect and promote their rights.

7. Conclusions – Next Steps

- The treatment of migrant workers is one of the region's pressing human rights challenges
- There is a continuing need to develop materials that translate the substance of international standards into accessible and practical tools for advocates
- There is a growing body of experience in the region that would enable greater use of case studies as a practical teaching tool in this and similar programs
- There is considerable value in, and potential for, facilitating alliance building within countries and across borders on the issues of migrant workers
- There is a need for DTP to explore the linkages that exist between this program and programs on trade and human rights and human rights and business
- There is potential for the DTP to work with Migrant Forum Asia to build on the past three programs with more specialised skills based programs, and more intensive support for some program alumni
- Migrant Forum Asia has committed to following up with participants in the recent DTP programs to look at how participants are applying what they have learnt and at what further assistance can be offered to them in their advocacy efforts. DTP has offered to assist in this process
- As a result of the successful collaboration between DTP and its partners on this project DTP was requested by Migrant Forum Asia to hold a further capacity building program on migrant workers rights in the region in 2007
- The evaluations clearly expressed the need for this program, and for further programs on this thematic human rights issue

**Capacity Building on Human Rights and Migrant Workers in the Asia
Pacific Region - A Training Program for Advocates**
7th – 11th April, 2006 - Petaling Jaya, Malaysia
PROGRAM SCHEDULE

	Friday April 7	Saturday April 8	Sunday April 9	Monday April 10	Tuesday April 11
Morning 1 8:30 to 10:30	9.30: Opening ceremony Chief Guest – Professor Hamdan, Malaysian National Human Rights Commissioner Special Guest – Shanti Dairiam, member of the UN Committee on CEDAW	<i>Feedback Session / Country Presentations by participants</i> The International Human Rights Framework	<i>Feedback session / Country Presentations by participants (cont'd)</i> Field trip	<i>Feedback session / Country Presentations by participants (cont'd)</i> Migrant Workers Rights and the ILO – Standards	Promoting migrant rights through Bilateral Labour Agreements
Facilitator(s)	Chaired by Charles Hector	Clarence Dias		Samuel Temesgen (ILO)	William Gois (MFA)
Tea 10:30-10:45					
Morning 2 10:45-12:30	Participants' introduction Training outline / identification of key issues	Introduction to ICRMW	Field trip	Migrant Workers Rights and the ILO – Processes	Migrant Workers Rights in the Asia-Pacific/ Finding Allies, Making Alliances
Facilitator(s)	Laurie Berg (DTP)	Clarence Dias		Samuel Temesgen (ILO)	William Gois (MFA)
Lunch 12:30-1:30					
Afternoon 1 2:00-3:30	1) Migrant Workers in the Asia Pacific – an overview of the current situation 2) Local perspectives on the Migrant Worker situation	Women's Rights, CEDAW and Women Migrant Workers	Media Strategies – using technology to publicise human rights issues	Migrant Workers Rights and the ILO – Advocacy case studies	Review and feedback – identifying priorities / completion of evaluation forms
Facilitator(s)	William Gois/Charles Hector	Shanthi Dairiam	Pramesh - Malaysiakini	Samuel Temesgen (ILO)	DTP
Afternoon Tea 3:30-3:45					
Afternoon 2 3:45-5:30pm	An introduction to advocacy – key principles	Using the Treaty Body Reporting Process	Media Strategies - Gaining coverage of human rights issues	The role of Trade Unions – current situation in the Asia Pacific	Closing Ceremony Presentation of certificates by local migrant workers
Facilitator(s)	Patrick Earle (DTP)	Shanthi Dairiam	Nisha Varia (HRW)	Samuel Temesgen (ILO)	
Evening Exercises	Diary	Group exercises – MWC case studies /Diary	Diary	Diary	
Facilitator(s)	DTP/MFA	DTP/MFA	DTP/MFA	DTP/MFA	
Evening Events	Dinner	Dinner	Dinner	Solidarity Night	Dinner Outing

List of Participants and Trainers

List of Trainers/Support Staff

S. N.	Name	Country
1	Prof. Haji Hamdan Adnan	Malaysia
2	Shanthi Dairiam	Malaysia
3	Charles Hector	Malaysia
4	Pramesh Malaysiakini	Malaysia
5	William Gois	Hong Kong
6	Samuel Temesgen	Hong Kong
7	Ma. Isabelle Licmoan	Hong Kong
8	Patrick Earle	Australia
9	Laurie Berg	Australia
10	Theresa Limpin	Bangkok
11	Clarence Dias	India/USA
12	Nisha Varia	USA
13	Jerald Joseph	Malaysia
14	Venugopal Chinayah	Malaysia
15	Adrian Pereira	Malaysia

List of Participants

S. N.	Name	Country
1	Mohammed Tipu Sultan	Bangladesh
2	Kalpana Rijal	Nepal
3	Lionel Fernando	Sri Lanka
4	Roshan Shajehan	Sri Lanka
5	Senarath Yapa	Sri Lanka
6	Nabahan Benhard	Indonesia
7	Md. Miftah Farid	Indonesia
8	Nining	Indonesia
9	Parimala Moses	Malaysia
10	A. Balasubramaniam	Malaysia
11	Joachim Xavier	Malaysia
12	Lau Weng San	Malaysia
13	Paul Dass	Malaysia
14	Cheh Chooi Jing	Malaysia
15	Karen Gomez Dumpit	Philippines
16	Anna Liza Navarro	Philippines
17	Aminarsih Fatah	Singapore/Indonesia
18	Braema Mathiapparanam	Singapore
19	Bridget Tan	Singapore
20	Moe Swe	Thailand/Burma
21	Nalini Singh	Thailand
22	Pranom (Bee) Somwong	Thailand
23	Bhim Bahadur Baniya	Hong Kong/Nepal
24	Andy Perez	Hong Kong/Philippines
25	Nurul Qiriah	Hong Kong/Indonesia
26	Subiyanti	Hong Kong/Indonesia
27	Sylvia "Gigi" Torres	Hong Kong/Philippines
28	Choe Young Soon	South Korea
29	Ji-un Hwang	South Korea
30	Byoung-Kon Shin	South Korea
31	Amarjargal Davjayev	Mongolia

Background to Project

The management and treatment of people moving across borders to live and work represents one of the key policy and human rights challenges facing the economically dynamic Asia-Pacific region. According to UN estimates, there are between 5 and 7 million migrants from South and East Asia living in countries other than their own – whether that be elsewhere in the region or beyond (the Middle-East and Europe)

This movement of people is vital to the economic success of the region, yet it comes at great human cost. This movement is occurring at a time when there is increasing concern about the integrity of national borders on the grounds of national security.

People become migrants for many different reasons, but many live in vulnerable situations with uncertain protection under the law and are often subject to intolerance and discrimination in the societies in which they seek work. This is true of countries across the world, and particularly when there are economic difficulties such as the regional financial crisis in the Asia-Pacific region in 1997. *Human Rights Watch* has highlighted that migrant workers have become even more vulnerable to abuse in the context of measures being taken in the fight against terrorism.

Migrant workers make a vital contribution in the form of remittances to the economies of the societies they have left behind. Migrant workers also make a valuable contribution to the societies where they work, including through building cross-cultural understanding and links. This potential contribution to their host societies is often undermined by restrictions on the types of jobs migrants are allowed to work in, restriction on the type of social activities migrants can participate in, uncertainty about their legal status, and often growing hostility from sections of the host society.

Policy makers, international bodies, governments and NGOs have collaborated to develop international legal standards that recognise the particular vulnerabilities and rights of migrant workers. These standards offer migrant workers the promise that their rights will be protected and provide a framework for NGOs and government to work together.

The most recent of these standards to come into force (July 2003) is the UN Convention on Migrant Workers' Rights. Because it is the newest of human rights instruments to come into force, awareness of the Convention, its key provisions and its implications for policy makers, NGOs and migrants remains very limited. This has been highlighted in a number of recent studies as a barrier to wider ratification of the treaty.

Recognising the significance of the issue in December 2003, the UN Secretary General launched the Global Commission on International Migration *“to place International Migration on the Global Agenda, analyse Gaps in Current Policy Approaches to Migration and, examine Inter-linkages with Other Issue-Areas, present Recommendations to the United Nations Secretary-General, governments and other stakeholders.”*

The urgency of these issues has been highlighted by the precarious situation of hundreds of thousands of Indonesian migrant workers facing arbitrary and forced expulsion from Malaysia.

Background Materials used in development of project:

Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia Human Rights Watch July 2004 Vol.16 (www.hrw.org)

Maid to Order: Ending Abuses against Migrant Domestic Workers in Singapore Human Rights Watch December 2005 Vol. 17 (www.hrw.org)

Human rights at risk in mass deportation of undocumented migrants Amnesty International 2 December 2004 (<http://web.amnesty.org/library/Index/ENGASA280082004?open&of=ENG-MYS>)

ACHIEVING DIGNITY, Campaigner's Handbook for the Migrants Rights Convention, International Migrants Rights Watch Committee, 1998 (www.december18.net)

How to Strengthen Protection of Migrant Workers and Members of their Families with International Human Rights Treaties: The International Catholic Migration Commission January 2004

Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of Migrant Workers: The Asia Pacific Perspective Iredale R and Piper N UNESCO International Migration and Multicultural Policies Section October 2003 (www.december18.net)

Migration, Human Rights and the United Nations An Investigation of the obstacles to the UN Convention on Migrant Workers Rights Pecoud A and de Guchteneire P Global Migration Perspectives No. 3 Global Commission on International Migration August 2004 (www.gcim.org/en/ir_experts.html)

UN Roadmap on the Rights of Migrant Workers, Canadian Human Rights Foundation (www.december18.net)

Migration in an interconnected world: New directions for action, Report of the Global Commission on International Migration, 2005 (<http://www.gcim.org/en/>)

Migration in the Asia-Pacific Graeme Hugo, Policy Analysis and Research Program, Global Commission on International Migration, 2005 (www.gcim.org/en/ir_experts.html)

International migration and human rights Stephanie Grant, Policy Analysis and Research Program, Global Commission on International Migration, 2005 (www.gcim.org/en/ir_experts.html)

Migrants in the global labor market Philip Martin, Policy Analysis and Research Program, Global Commission on International Migration, 2005 (www.gcim.org/en/ir_experts.html)

Roars and Whispers: Gender and poverty: promises vs. action, Social Watch Report 2005. Includes a thematic report on *Poverty and Globalization* (<http://www.socialwatch.org/en/informeImpreso/informe2005.htm>)